

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 7/23/2013	(3) CONTACT/PHONE Leslie Brown (805) 781-5011 Kami Griffin - Planning and Building (805) 781-5708	
(4) SUBJECT Request to approve the recommended responses to the 2012-13 Grand Jury report titled "An Event is An Event – An Impact is An Impact" and forward these responses to the Presiding Judge of the Superior Court by August 1, 2013.			
(5) RECOMMENDED ACTION It is recommended that your Board adopt as the County's response to the referenced Grand Jury report "An Event is An Event – An Impact is An Impact": <ol style="list-style-type: none"> 1. The attached response prepared by the Planning and Building department to all thirteen Findings and Recommendations 1 through 3 and 6 through 12, and 2. The responses prepared by staff to Recommendations 4 and 5, and forward these responses to the Presiding Judge of the San Luis Obispo Superior Court by August 1, 2013.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Administrative Office / Leslie Brown (805) 781-5011

DATE: 7/23/2013

SUBJECT: Request to approve the recommended responses to the 2012-13 Grand Jury report titled "An Event is An Event – An Impact is An Impact" and forward these responses to the Presiding Judge of the Superior Court by August 1, 2013.

RECOMMENDATION

It is recommended that your Board adopt as the County's response to the referenced Grand Jury report "An Event is An Event – An Impact is An Impact":

1. The attached response prepared by the Planning and Building department to all thirteen Findings and Recommendations 1 through 3 and 6 through 12, and
 2. The responses prepared by staff to Recommendations 4 and 5,
- and forward these responses to the Presiding Judge of the San Luis Obispo Superior Court by August 1, 2013.

DISCUSSION

The Grand Jury issued a report on June 6, 2013 based upon their review of the County's policies and practices regarding the processing of land use permits for outdoor events held at facilities other than wineries. Specifically, the Grand Jury studied the County's Land use Ordinance Title 22, Section 22.06.030, Temporary Events Ordinance and the corresponding Coastal Zone Land Use Ordinance Title 23. (Winery events are subject to a separate section of the County's Land Use Ordinance and were not included in the scope of the Grand Jury's report.)

The report notes that the Temporary Events Ordinance was adopted in 1980 and the Grand Jury contends this ordinance does not adequately address the impacts of events currently being held in the county on surrounding neighborhoods. In addition the Grand Jury reports that permits are not required for all events including events operated by non-profits (under certain conditions) and for events that have been held on an ongoing basis since before the Temporary Events Ordinance was adopted by the Board in 1980. The Grand Jury indicates all events should comply with the same regulations regarding environmental impacts, public safety, and community relations.

This Grand Jury report includes thirteen findings and twelve recommendations. The Board of Supervisors and the Department of Planning and Building are both required to respond to all thirteen findings. In addition your Board is required to respond to all twelve recommendations and the Planning and Building Department is required to respond to Recommendations 1 through 3 and 6 through 12. The required response from Planning and Building is provided in Attachment 1. Staff is recommending that your Board adopt the responses provided by the Planning and Building Department as the Board's response to Findings 1-13 and Recommendations 1 – 3 and 6-12. In addition, staff recommends that your Board approve the responses to Recommendations 4 and 5 provided below. Both sets of responses will be sent to the Presiding Judge and the Grand Jury by August 1, 2013 as the County's complete response to the report.

A copy of the Grand Jury Report is provided in Attachment 2.

Grand Jury Recommendations 4 and 5 and Board responses:

Recommendation R4: An Events Ordinance Amendment adopted by County Board of Supervisors should define guidelines to mitigate event impacts, for example noise, dust, traffic and parking.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

The content of an amendment to the Temporary Events Ordinance is ultimately up to the Board of Supervisors. Modifying the County's Land Use Ordinance is a legislative act of the Board of Supervisors, which occurs after a public hearing is held by the Planning Commission and the Planning Commission renders its decision in the form of a recommendation to the Board of Supervisors. It is ultimately the Board's decision whether to approve, modify, or disapprove the Planning Commission's recommendation. The Board determines if proposed ordinance amendments are acceptable and if the ordinance will contain guidelines to mitigate event impacts such as noise, dust, traffic, and parking. The proposed ordinance amendment currently does include guidelines to mitigate event impacts, for example noise, dust, traffic and parking, but it will be up to the Board whether to retain these guidelines in the adopted version.

Recommendation R5: In an Events Ordinance Amendment adopted by County Board of Supervisors, the same regulations regarding environmental impacts, public safety and community relations should apply to all events (for-profit, non-profit, traditional or new).

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

See the explanation to Recommendation #4. Again, the content of an amendment to the Temporary Events Ordinance is ultimately up to the Board of Supervisors. The proposed ordinance amendment currently does apply the same regulations regarding environmental impacts, public safety and community relations should apply to all events. Any differences in requirements are dependent on the permit level only. However, it will be up to the Board whether to retain these standards if they choose to adopt any amendments to the existing ordinance.

OTHER AGENCY INVOLVEMENT/IMPACT

The Planning and Building Department and the Administrative office worked with County Counsel to prepare the responses to this Grand Jury report.

FINANCIAL CONSIDERATIONS

There are no fiscal impacts associated with this response.

RESULTS

This response meets the legal requirements for responding to a Grand Jury Report with findings and recommendations under California Penal Code Section 933.05.

ATTACHMENTS

1. Response from the Department of Planning and Building
 2. 2012-13 Grand Jury Report: "An Event is An Event – An Impact is An Impact San Luis Obispo County Proposed Events Ordinance Amendment"
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